

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philippe SANSONETTI et al.

Serial No.: 08/466,698

Filed: June 6, 1995

For: METHOD FOR PRODUCING TRANSFORMED  
SHIGELLA (As Amended)



) Group Art Unit: 1645

) Examiner: M. Navarro

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

SUBMISSION OF TERMINAL DISCLAIMERS

Applicants submit herewith two (2) Terminal Disclaimers in the above-referenced application, each of which as been executed by the assignees, INSTITUT PASTEUR and INSTITUT NATIONALE DE LA SANTE ET DE LA RECHERCHE MEDICALE.

Please associate these papers with the above-identified application. The requisite fee of \$220.00 is enclosed

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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Group Art Unit: 1645

Examiner: Mark Navarro

42

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

TERMINAL DISCLAIMER

Petitioner ("assignees") INSTITUT PASTEUR, duly organized under the laws France, and having its principal place of business at 28 rue du Docteur Roux, 75724 Paris Cedex 15, France and INSTITUT NATIONAL DE LA SANTE ET DE LA RECHERCHE MEDICALE, duly organized under the laws France, and having its principal place of business at 101 rue de Tolbiac, 75654 Paris Cedex 13, France, herein after referred to as "the Assignees", represent that they are the only assignees of the entire right, title and interest in and to both the above-identified application, Serial No. 08/466,698 filed June 6, 1995, for METHOD FOR PRODUCING TRANSFORMED SHIGELLA (As Amended) in the name of Philippe SANSONETTI et al. as indicated by assignment duly recorded at Reel 5277, Frame 0539, in the United States Patent and Trademark Office (copy attached), and application Serial No. 08/118,100 filed September 8, 1993, now U.S. Patent No. 5,762,941, for MODIFIED SHIGELLA HAVING REDUCED

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PATHOGENICITY in the name of Philippe SANSONETTI et al. as indicated by assignment duly recorded at Reel 5277, Frame 0539, in the United States Patent and Trademark Office (copy attached). The Assignees further represent that to the best of Assignees' knowledge and belief, title to the above-identified application, Serial No. 08/466,698, and United States Patent No. 5,762,941 are in assignee, which is submitting this Terminal Disclaimer.

To obviate a double patenting rejection, the Assignees hereby disclaim, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 08/466,698, which would extend beyond the expiration date of Patent No. 5,762,941, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,762,941, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on Appl. Serial No. 08/466,698, that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of Patent No. 5,762,941, as presently shortened by any terminal disclaimer, in the event that Patent No. 5,762,941: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is

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in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of the assignee INSTITUT NATIONAL DE LA SANTE ET DE LA RECHERCHE MEDICALE.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

INSTITUT NATIONAL DE LA SANTE  
ET DE LA RECHERCHE MEDICALE

L'INSERM

Pour le Directeur Général

et par délégation

Françoise MOISAND

Directeur

Dated: 29 SEP 2000

By:  
Title: